

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ZUMAR DUBOSE,	:	
ABDUSH DUBOSE,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 24-CV-0032
	:	
UNITED STATES ATTORNEY GENERAL,	:	
Defendant.	:	

ORDER

AND NOW, this **22nd** day of **March 2024**, upon consideration of Plaintiff Zumar DuBoses's Motion to Proceed *In Forma Pauperis* (ECF No. 5), and his Prisoner Trust Fund Account Statement (ECF No. 4), and the *pro se* Complaint (ECF No. 1) filed by Zumar DuBose and Abdush DuBose, it is **ORDERED** that:

1. Abdush DuBose having failed to pay the applicable \$402 filing fee or file a motion to proceed *in forma pauperis* as directed by this Court's Order entered on January 12, 2024 (ECF No. 3), which (1) granted him thirty (30) days to do so and (2) warned him that if he failed to comply with the Order that his case would be dismissed without prejudice for failure to prosecute, Abdush DuBose's claims are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.
2. Leave to proceed *in forma pauperis* is **GRANTED** to Zumar DuBose pursuant to 28 U.S.C. § 1915.
3. Zumar DuBose, #20472-509, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of FDC Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Zumar DuBose's inmate account; or (b) the average monthly balance in Zumar DuBose's inmate account for the six-month period immediately

preceding the filing of this case. The Warden of FDC Philadelphia or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Zumar DuBose's inmate trust fund account exceeds \$10.00, the Warden of FDC Philadelphia or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Zumar DuBose's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

4. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of FDC Philadelphia.

5. The Complaint is **DEEMED** filed.

6. Zumar DuBose's Complaint is **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

7. Zumar DuBose's "Motion for Constitutional Challenge to a Federal Statute" (ECF No. 6) and "Rule 5.1 Constitutional Challenge to a Statute" (ECF No. 7) are **DENIED AS MOOT**.

8. The Clerk of Court is **DIRECTED** to mark this case closed.

BY THE COURT:

/s/ **Chad F. Kenney**

CHAD F. KENNEY, J.